

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-cv-307-RJC-DCK**

HENRY POL,

Plaintiff,

vs.

**FEDERAL RESERVE BANK OF NEW
YORK, CITIGROUP,
CITIMORTGAGE, INC. and BANK OF
AMERICA,**

Defendants.

ORDER

THIS MATTER is before the Court on motions to dismiss filed by defendants Citigroup, Inc. (“Citigroup”), CitiMortgage, Inc. (“CitiMortgage”), and the Federal Reserve Bank of New York. (“Federal Reserve Bank”) (Doc. Nos. 3&5). The pro se plaintiff Henry Pol did not file a response to either motion, and time for responding has passed. On October 29, 2009, the magistrate judge recommended that both motions to dismiss be granted. (Doc. Nos. 11&12). The parties were advised that objections were to be filed in writing within ten (10) days after service of the Magistrate Judge’s decision. The time for filing objections has since passed and no objections have been filed by either party in this matter. For the reasons stated below, the Court will grant Citigroup and CitiMortgage’s motion to dismiss, grant the Federal Reserve Bank’s motion to dismiss, and sua sponte dismiss the claims against Bank of America.

I. BACKGROUND

On July 27, 2009, plaintiff’s real property was sold at a foreclosure sale through state court. In an attempt to forestall the foreclosure, plaintiff filed the present action against the defendant banks. Plaintiff seeks to recover treble damages for the conspiracy of the banks “to rob and enslave

the people of the United States.” In the complaint, plaintiff brings claims for (1) violation of 18 U.S.C. 1961, et seq. (“RICO”); (2) common law conspiracy; and (3) fraud. Defendants Citigroup, CitiMortgage, and the Federal Reserve Bank filed motions to dismiss. The record does not indicate whether Bank of America has been served with the complaint.

II. STANDARD OF REVIEW

The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); Camby v. Davis, 718 F.2d 198, 198 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

III. DISCUSSION

A. Citigroup, CitiMortgage and the Federal Reserve Bank

After a careful review of the record in this case, the Court finds that the magistrate judge’s findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the Court hereby grants Citigroup and CitiMortgage’s motion to dismiss and grants the Federal Reserve Bank’s motion to dismiss.

B. Bank of America

Plaintiff’s alleges that the foreclosure sale is the result of the banks’ fraud and conspiracy to enslave the population of the United States. Plaintiff’s claims are patently frivolous. The Court will, therefore, sua sponte dismiss all claims against Bank of America. See Fitzgerald v. First East Seventh St. Tenants Corp., 221 F.3d 363-64 (2d Cir. 2000) (district courts have the authority to

dismiss frivolous complaints sua sponte, notwithstanding the payment of the filing fee).

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. Citigroup and CitiMortgage's motion to dismiss (Doc. No. 3) is **GRANTED**;
2. Federal Reserve Bank's motion to dismiss (Doc. No. 5) is **GRANTED**; and
3. any claims against Bank of America are sua sponte **DISMISSED**.

Signed: November 17, 2009

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

